

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                  )  
    )  
    )  
v.    )         Criminal No. 18-10426-RGS  
DONG LEE,                                    )  
Defendant.                                    )

**GOVERNMENT'S SENTENCING MEMORANDUM**

The United States submits this Sentencing Memorandum in the above-captioned case, currently scheduled for sentencing on February 16, 2021. For the reasons outlined in this memorandum, the Government believes that a sentence of 110 months' imprisonment, the low-end of the guidelines, is the appropriate sentence in this matter. Following the completion of this sentence, the Government requests that the defendant be on supervised release for a period of 36 months, be ordered to pay restitution in the amounts listed in the Superseding Information, and be required to pay a mandatory special assessment of \$500. The Government's recommendation is fair and just, and it takes into consideration factors outlined in 18 U.S.C. § 3553 and is driven by the facts in this case and Lee's life-long violent criminal history.

**I. PROCEDURAL HISTORY**

On September 14, 2018, Charles Lamont Wheeler ("Wheeler"), and a co-defendant, Dong Lee ("Lee") were arrested and charged

with the September 14, 2018 robbery of a branch of the Crescent Credit Union in Brockton, Massachusetts.

On February 27, 2020, a five-count Superseding Information was filed charging Wheeler and Lee with robberies occurring between September 8, 2018 and September 14, 2018, in violation of 18 U.S.C. § 2113(a). On March 10, 2020, Wheeler pled guilty to the five-count Superseding Information, and on October 27, 2020 was sentenced to 84 months' imprisonment, three years of supervised release, a special assessment of \$500.00, and restitution as outlined in the Superseding Information. The sentence was at the low-end of the guidelines as determined by US Probation and adopted by this Court.

On October 13, 2020, Lee pled guilty to the five-count Superseding Information.

## **II. THE OFFENSE CONDUCT**

The facts as stated in the Pre-Sentence Report ("PSR")<sup>1</sup> are uncontested. Between September 8, 2018 and September 14, 2018, five federally insured banks/credit unions were robbed in the Greater Boston area. Based on the similarity of the robberies, the descriptions of the robbers provided by bank tellers and captured on the banks' video surveillance cameras, the FBI

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<sup>1</sup> The PSR dated February 9, 2021.

opined that the same two individuals were involved in committing these robberies.

On September 14, 2018, two individuals later identified as Wheeler and Lee robbed a branch of the Crescent Credit Union in Brockton. Both individuals, following a high-speed car chase, were arrested by the Massachusetts State Police in North Attleboro. Both Wheeler and Lee were ordered detained and remain in the custody of the United States Marshal.

### **III. GUIDELINE ANALYSIS**

#### **A. Combined Adjusted Offense Level ¶ 58**

The Government agrees with Probation that the Combined Offense Level, taking into consideration the five counts of the Superseding Information, is 28.

#### **B. Total Offense Level ¶ 62**

The Government agrees with Probation that the Total Offense Level, taking into consideration Lee's acceptance of responsibility, is 25.

#### **C. The Defendant's Criminal History ¶85**

The Government agrees with Probation's conclusions that the defendant's criminal convictions result in a Criminal History score of 49, and that a Criminal History score of 49 places Lee in Criminal History Category VI.

**D. Sentencing Options ¶ 188**

The Government further agrees with Probation that with a Total Offense Level of 25, and a Criminal History score of IV, Lee's guideline imprisonment range is 110-137 months' imprisonment.

**IV. SENTENCING RECOMMENDATION**

18 U.S.C. § 3553(a) requires a sentencing court to consider specific enumerated factors when determining an appropriate sentence. These factors include: 1) the nature and circumstances of the offense and the history and characteristics of the defendant and 2) the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment for the offense, to afford adequate deterrence to criminal conduct, to protect the public from further crimes of the defendant, and to provide for the needs of the defendant.

**A. Lee's Lengthy Record of Criminal Convictions and Criminal Behavior**

Lee has a lengthy record of criminal arrests and convictions commencing in 1988 at the age of 20 and has continued uninterrupted for 30 years. According to the PSR, Lee has been arrested on over 54 occasions between 1988 and 2018 and convicted of the majority of these offenses resulting in an

astonishing 49 Criminal History Points<sup>2</sup>. These convictions include:

- 1988 Shoplifting;
- 1990 Fraudulent Credit Card Use and Larceny;
- 1990 Trespassing;
- 1990 Malicious Mischief;
- 1990 Disorderly Conduct;
- 1990 Disorderly Conduct;
- 1993 Disorderly Conduct;
- 1993 Larceny;
- 1993 Forgery;
- 1994 Forgery and Counterfeiting;
- 1994 Larceny;
- 1994 Driving after Suspension;
- 1994 Driving after Suspension;
- 1994 Operating Motor Vehicle with Suspended License;
- 1994 Larceny;
- 1994 Disorderly Conduct;
- 1994 Forgery and Counterfeiting;
- 1997 Driving after Suspension;
- 1998 Domestic Violence and Simple Assault;
- 1998 Manufacture/Deliver Marijuana and Larceny;
- 1998 Assault and Battery;
- 1998 Delivery of Marijuana;
- 1999 Domestic Vandalism;
- 2001 Violation of no contact order;
- 2001 Grand Larceny;
- 2002 Criminal Possession of Controlled Substance & Obstruct Government Administration;
- 2002 Larceny;
- 2004 Fraudulent checks under \$1000;
- 2004 Forgery and Counterfeiting;
- 2004 Misdemeanor Shoplifting and Obstructing Police Officer;
- 2006 Drive Motor Vehicle without Consent of Owner and

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<sup>2</sup> The Government would note that a number of these cases were merged in state court, but nevertheless contribute in determining Lee's Criminal History under the US Sentencing guidelines.

- 2007 Driving with Suspended License;
- 2007 Misdemeanor Shoplifting;
- 2007 Felony Shoplifting, Habitual Shoplifting, and Obstructing Police Officer;
- 2008 Felony Shoplifting, Habitual Shoplifter, and Conspiracy;
- 2008 Felony Shoplifting;
- 2009 Misdemeanor Shoplifting and Conspiracy;
- 2010 Felony Shoplifting;
- 2011 Misdemeanor Shoplifting;
- 2011 Misdemeanor Shoplifting;
- 2012 Possession of Stolen Motor Vehicle or Parts, Receiving Stolen Goods Under \$1500, and Resisting Arrest;
- 2012 Felony Shoplifting;
- 2013 Felony and Shoplifting and Habitual Shoplifter;
- 2013 Felony and Shoplifting and Habitual Shoplifter;
- 2013 Felony Shoplifting;
- 2013 Felony Shoplifting (3 Counts);
- 2013 Larceny;
- 2014 Fugitive from Justice;
- 2015 Fugitive from Justice;
- 2015 Larceny over \$250;
- 2015 Possession of Cocaine;
- 2015 Misdemeanor Shoplifting;
- 2015 Felony Shoplifting (2 Counts);
- 2016 Driving with Suspended License;
- 2016 Felony Shoplifting and Habitual Shoplifter;
- 2016 Fugitive from Justice;
- 2016 Larceny under \$250 and Vandalize Property;
- 2016 Possession of Cocaine (2nd Offense);
- 2016 Larceny under \$1500, Conspiracy, Intimidate Witness/Victim, and Failure to Report a Death;
- 2017 Possession of Cocaine;
- 2018 Domestic Simple Assault and Battery and Domestic Disorderly Conduct;
- 2018 Larceny Over \$250;
- 2018 Knowingly Receive Stolen Property;
- 2018 Possess Class B Drug.

These convictions have resulted in Lee being committed to prison on 33 occasions with prison sentences ranging between ten days to 42 months' imprisonment in both state (Rhode Island and Massachusetts) and Federal Prison. In almost every case where Lee has been placed on probation or given a suspended sentence, Lee has been found in violation of the terms of his release and sanctioned.

The Government would note that during extended periods of imprisonment in Rhode Island, Lee incurred 47 disciplinary reports to include possession of contraband, disobeying orders, fighting, assault and battery, tattooing, being under the influence, and threats (PSR ¶ 116). Since being detained on the instant matter, Lee has incurred four disciplinary reports to include positive drug tests (3x) and malicious destruction of property (PSR ¶ 4).

**B. The Instant Offense**

On September 14, 2018, Wheeler and Lee robbed a branch of the Abington Bank in Avon, threatening to shoot the victim teller. A short time later, Wheeler and Lee robbed a branch of the Crescent Credit Union in Brockton. Following that robbery, Wheeler and Lee exited the credit union, escaped in a motor vehicle, and were involved in a hit-and-run auto accident with an innocent victim. Undeterred, Wheeler then led the responding law enforcement officers on a high-speed auto chase throughout

neighboring communities. This chase eventually concluded when Wheeler crashed his vehicle into a wooded area in Attleboro, Massachusetts, and then escaped on foot. Lee, the passenger in the auto, also fled but was later located and arrested.

**C. Sentencing Factors Under 18 U.S.C. § 3553**

Lee, age 50, has led a violent criminal life driven by a total disregard for the law and by consistent drug and alcohol abuse. This violent behavior and drug and alcohol abuse cannot continue. As stated above, Lee has been placed on probation and committed to prison on numerous occasions. Yet despite these lengthy periods of imprisonment or under the supervision of probation, Lee has returned to drug abuse and violent criminal behavior.

During the instant robbery spree, Lee and Wheeler, without regard of the consequences, endangered the lives and safety of bank employees, innocent pedestrians on the initial high-speed escape, innocent drivers on the state highways, and the lives and safety of the responding law enforcement officers. Lee had little or no interest in stopping this violent behavior. Further violence was only prevented by the actions of the Massachusetts State Police and other responding law enforcement officers.

The Government is cognizant and not unsympathetic to Lee's life-long drug addiction and hopes that during his anticipated period of imprisonment he will avail himself of what appears to

be much need counseling to address his drug and alcohol issues. Additionally, during this period of imprisonment Lee will have the opportunity to address any mental health issues through available programs and counseling.

**V. CONCLUSION**

Lee's actions during this recent robbery spree are unacceptable and cannot be treated lightly. Lee has a lengthy criminal record and has demonstrated a refusal to conform his behavior to acceptable societal norms. This behavior cannot and should not continue. The Government is well within its rights to demand a maximum sentence of 20 years' imprisonment on each count of the Information. The Government however, for the reasons stated herein, requests this Court impose a sentence of 110 months' imprisonment, 36 months of supervised release, restitution and a mandatory special assessment of \$500 as an appropriate sanction.

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This is a just and appropriate sentence as dictated by Wheeler's own senseless and violent actions, and by Wheeler's own decisions throughout his lifetime. This type of sentence sends a clear message that this type of violent criminal behavior cannot and will not be accepted.

Respectfully submitted,

ANDREW E. LELLING  
United States Attorney

By: /s/ Kenneth G. Shine  
KENNETH G. SHINE  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Kenneth G. Shine  
KENNETH G. SHINE  
Assistant U.S. Attorney

